

# **EXHIBIT B**



### Vivien B. Shelanski, Esq.



**Vivien B. Shelanski, Esq.** is a skilled mediator and arbitrator who has resolved hundreds of complex business/commercial, employment, construction, healthcare, entertainment, franchise, intellectual property, securities, real property, trusts and estates, technology, and telecommunications cases.

#### ADR Experience and Qualifications

- **Business/Commercial:** Contract and other business disputes involving public and closely-held companies in industries including financial services, entertainment, manufacturing, software, and telecommunications
- **Construction:** Multi-party claims involving various types of structures and issues, including claims of delay, design and work defects, cost overruns, breach of contract, and professional liability
- **Employment:** Individual and multi-party claims of discrimination (gender, age, race, religion, national origin, sexual orientation, and disability), retaliation, and harassment; ADA, FMLA, FSLA/wage-hour and ERISA claims; contract claims involving executive compensation, severance benefits, non-compete and non-solicitation agreements
- **Franchise:** Disputes among manufacturers and dealers or distributors regarding warranties, supplies, pricing, and services
- **Healthcare:** Malpractice claims against physicians and hospitals; dissolutions of medical practices; wrongful discharge claims by senior executives, physicians, and hospital employees
- **Intellectual Property:** Copyright, patent, trademark and trade secret disputes in industries including financial services, entertainment, publishing, advertising, software, and design-related businesses including textiles, apparel, jewelry, and hardware
- **Real Property:** Mortgage fraud claims against private lenders, government entities, and title companies; contract claims involving financing agreements for commercial and residential properties; commercial leasing disputes
- **Securities:** Fraud claims alleging misrepresentations in offering documents; investor claims against broker-dealers alleging churning, unauthorized trading, lack of suitability, and failure to supervise
- **Technology:** Disputes between software, hardware, and website specialists and the companies retaining their services
- **Trusts and Estates:** Disputes between trust beneficiaries, including family members and foreign institutions; disputes among family members about the operation and/or dissolution of family-owned businesses

#### Representative Matters

- Securities claims by pension-fund investors alleging misrepresentations and omissions in prospectus for initial public offering
- Construction dispute involving renovation of historic building facade with claims including defective design and construction, cost overruns, delay, and malpractice by architect and structural engineer
- Copyright dispute between designer of decorative hardware and manufacturers and distributors of allegedly infringing products
- Post-acquisition dispute between buyer and seller of educational services business alleging contract breaches pertaining to balance sheets, valuations, and representations and warranties
- Real estate dispute between healthcare clinic and owner of building being converted to a condominium, with respect to alleged breach of warranty of habitability

- Discrimination claim by television personality on daytime show alleging that termination was based on race and age

**Honors, Memberships, and Professional Activities**

- Co-Editor, The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration (3rd. Ed., Forthcoming)
- Fellow, College of Commercial Arbitrators; Panel of Mediators, United States District Court for the Eastern District of New York
- Fellow, College of Labor and Employment Lawyers
- Lecturer at New York University School of Law

**Background and Education**

- Assistant Circuit Executive for Legal Affairs, United States Court of Appeals for the Second Circuit, 1995-1998
- Acting Assistant Professor, New York University School of Law, Spring 1995
- Assistant Attorney General, New York State Department of Law, Real Estate Financing Bureau, 1992-1995
- Litigation Attorney, Cahill Gordon & Reindel, and Howard Darby & Levin, 1985-1992
- Law Clerk, Hon. Milton Pollack, United States District Judge, Southern District of New York, 1984-1985
- J.D., with honors, New York University School of Law, 1984
- Ph.D., Philosophy of Science, University of Chicago, 1970
- A.B., with honors, Bryn Mawr College, 1964

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